

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

SALVATORE J. MAZZEO, et al.,

Defendants.

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**ORDER**

CV 97-6325 (LDW)

**LINDSAY, Magistrate Judge:**

By Order dated August 9, 2006, the undersigned directed the plaintiff to show cause, in writing by August 18, 2006, as to why the undersigned should not recommend that this action be dismissed for failure to prosecute. The plaintiff has responded to that order. See Response to Order to Show Cause, filed August 18, 2006. The plaintiff advises the court that it has been informed by Steven Pinks, counsel of record for defendant George Carhart, the only remaining defendant in this action, that he no longer represents Mr. Carhart and that he does not know Mr. Carhart's current address. The plaintiff further advises the court that it has been attempting to locate Mr. Carhart so that it can provide him with notice prior to seeking entry of judgment against him. According to the plaintiff, the Internal Revenue Service has confirmed that Mr. Carhart is no longer living at his last address of record and that he did not leave a forwarding address with the management company or with the U.S. Postal Service. Given these circumstances, a recommendation that the action be dismissed for failure to prosecute is not warranted at this time.

The plaintiff shall apprise the court in writing as to the status of this matter by September 21, 2006.

Dated: Central Islip, New York  
August 21, 2006

**SO ORDERED:**  
/s/

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ARLENE R. LINDSAY  
United States Magistrate Judge